

MEMO TO: City Council

FROM: Rosemarie Ives, Mayor

QUASI-JUDICIAL

DATE: July 19, 2005

**SUBJECT: AUTHORIZE SCHEDULING OF PUBLIC HEARING DATE FOR THE
NINTENDO DEVELOPMENT AGREEMENT**

I. RECOMMENDED ACTION

By motion, direct staff to schedule a public hearing to solicit public comments on the proposed Nintendo Development Agreement

II. DEPARTMENT CONTACT PERSONS

Roberta Lewandowski, Director, Planning and Community Development, 425-556-2447
Jim Roberts, Assistant Planning Director, 425-556-2424
Lynda Aparicio, Senior Planner, 425-556-2438

III. DESCRIPTION

In October 2004, Nintendo of America, Inc. submitted an application for approval of a Development Agreement. The proposed agreement covers a potential of 550,840 square feet of new development on a 26.9-acre parcel at the northeast corner of NE 51st Street and 148th Avenue NE. The agreement includes provisions for vesting, design and development, transportation impacts, tree protection, utility improvements, and environmental review.

Since City Council must agree to authorize a public hearing on this topic, staff is recommending that the authorization be granted now. A specific date will be announced when the proposal is substantially completed. This early action will allow the final action to proceed without process delay.

IV. IMPACT

A. Service Delivery: The action to call for a public hearing has no service delivery impact.

B. Fiscal: Setting the public hearing will have no fiscal impacts.

V. ALTERNATIVE

City Council could choose not to call for a public hearing at this time. Should this alternative be chosen, City Council must authorize staff, at a future date, to schedule a public hearing, as a public hearing is required by State Law.

VI. TIME CONSTRAINTS

There are no time constraints; however, the applicant requests that the application be dealt with expeditiously.

VII. LIST OF ATTACHMENTS

Attachment A: Copy of the original application dated October 5, 2004.

<u>/s/</u>	<u>7/7/05</u>
Roberta Lewandowski, Planning Director	Date

Approved for Council Agenda: <u>/s/</u>	<u>7/8/05</u>
Rosemarie Ives, Mayor	Date

ATTACHMENT A



2025 First Avenue, Suite 500
Seattle, WA 98121-3140
206-382-9540
206-626-0675 Fax
www.buckgordon.com

October 5, 2004

Mr. James Roberts
City of Redmond, Planning Dept.
15670 NE 85th Street
Redmond, WA 98052

Re: Nintendo of America, Inc.
Proposal to Enter into Development Agreement

Dear Jim:

Thanks to you and the other members of the Planning Department who attended for taking the time to meet with Bruce Meyer of Nintendo of America, Inc., me and the rest of our consultant team last month to discuss negotiating a development agreement regarding the property at 5100 148th Ave. N.E. It was a productive meeting and got us off to a good start.

As you suggested during that meeting, we have enclosed a completed General Permit Application Form, together with a short outline summarizing the key topics that we would like to address in the development agreement. Once you have had an opportunity to review these materials within the Department, we would like to meet again to begin negotiating specific provisions. During our last meeting we discussed holding a follow-up meeting the week of October 11th. I will call you later this week to identify a particular date and time. In the meantime, if you have any questions or comments, please contact me.

We look forward to working with you and others in the Planning Department to reach a mutually beneficial agreement.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Molly", followed by a horizontal line.

Molly A. Lawrence

MAL:MAL
Enclosures

cc: Bruce Meyer, Nintendo of America, Inc.
Barry Leahy
Jeff Haynie, TENW
Mark Brumbaugh, Brumbaugh & Associates



GENERAL APPLICATION FORM
City of Redmond Department of Planning and Community Development
15670 NE 85th Street, P.O. Box 97010, Redmond, WA 98073-9710

This form must be completed (clearly printed or typed) to file an application. Additional materials are required for specific types of applications. For questions, contact the Permit Center at (425) 556-2473. All applications must be filed in person.

FOR STAFF USE ONLY

File No.:	Type of Review Process (circle one): I II III IV V VI	Received By:	Date Received:
-----------	---	--------------	----------------

BASIC PROJECT INFORMATION

Project / Development Name: <u>Development Agreement, Nintendo of America, Inc.</u>	
Project / Development Street Location: <u>5100 148th Avenue NE</u>	
Assessor Parcel Number (include 10-digit parcel number for all parcels within project boundaries): <u>2182500120</u>	
Land Area of Project Site (sq. ft. or acres): <u>26.9 acres</u>	Zoning: <u>OV</u>

ADDITIONAL PROJECT INFORMATION (complete all applicable information)

Brief Project Description: <u>Negotiate development agreement.</u>	
Type of Proposed Use: <u>Office</u>	
For Multi-Use Projects, Show Amounts for Each Use (in square feet): <input type="checkbox"/> Residential <input type="checkbox"/> Retail <input type="checkbox"/> Office <input type="checkbox"/> Manufacturing <input type="checkbox"/> Other	
Number of Existing Dwelling Units: <u>0</u>	Number of Proposed Residential Dwelling Units: <u>0</u>
Existing Building Sq. Ft. (non-residential): <u>0</u>	Proposed Building Sq. Ft. (non-residential): <u>550,840</u>
Number of Existing Lots: <u>1</u>	Number of Proposed Lots: <u>1</u>
Will any buildings be demolished: <input checked="" type="checkbox"/> no <input type="checkbox"/> yes. If yes, size in sq. feet _____; or number of dwelling units _____	

APPLICANT/DEVELOPER

Name (please print): <u>Bruce Meyer, Nintendo of America, Inc.</u>		Phone # <u>425-861-2502</u>	
Street Address	City	State	Zip
<u>4820 150th Avenue NE</u>	<u>Redmond</u>	<u>WA</u>	<u>98052</u>
(By my signature, I certify that the information and exhibits herewith submitted are true and correct to the best of my knowledge and that I am to file this application and act on the behalf of the signatories of the authorization below.)**			
Signature: <u>[Signature]</u>		Date: <u>10-1-04</u>	

CONTACT (primary contact regarding this application if other than applicant, and to whom all notices and reports shall be sent)

Name (please print): <u>Molly Lawrence, Buck & Gordon LLP</u>		Phone # <u>206-382-9540</u>	
Street Address	City	State	Zip
<u>2025 First Avenue, Suite 500</u>	<u>Seattle</u>	<u>WA</u>	<u>98121</u>
(By my signature, I certify that the information and exhibits herewith submitted are true and correct to the best of my knowledge and that I am to file this application and act on the behalf of the signatories of the authorization below.)**			
Signature: <u>[Signature]</u>		Date: <u>10-5-04</u>	

AUTHORIZATION TO FILE SIGNATURE (all persons with an ownership interest in property)

<table><tr><td>Name (please print): <u>Nintendo of</u></td><td><input checked="" type="checkbox"/> Owner <input type="checkbox"/> Contract Purchaser</td></tr><tr><td>Address: <u>America, Inc.</u></td><td><input type="checkbox"/> Option Purchaser* <u>4820 150th Ave. NE</u></td></tr><tr><td>Phone #: <u>(425) 861-2502</u></td><td>Option Expiration Date: <u>Redmond, WA 98052</u></td></tr><tr><td>Assessor Parcel Number: <u>2182500120</u></td><td></td></tr><tr><td colspan="2">Signature: <u>[Signature]</u></td></tr><tr><td>Name (please print):</td><td><input type="checkbox"/> Owner <input type="checkbox"/> Contract Purchaser</td></tr><tr><td>Address:</td><td><input type="checkbox"/> Option Purchaser*</td></tr><tr><td>Phone #: ()</td><td>Option Expiration Date: _____</td></tr><tr><td>Assessor Parcel Number:</td><td></td></tr><tr><td colspan="2">Signature: _____</td></tr></table>	Name (please print): <u>Nintendo of</u>	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Contract Purchaser	Address: <u>America, Inc.</u>	<input type="checkbox"/> Option Purchaser* <u>4820 150th Ave. NE</u>	Phone #: <u>(425) 861-2502</u>	Option Expiration Date: <u>Redmond, WA 98052</u>	Assessor Parcel Number: <u>2182500120</u>		Signature: <u>[Signature]</u>		Name (please print):	<input type="checkbox"/> Owner <input type="checkbox"/> Contract Purchaser	Address:	<input type="checkbox"/> Option Purchaser*	Phone #: ()	Option Expiration Date: _____	Assessor Parcel Number:		Signature: _____		<p>FOR STAFF USE ONLY</p> <p>Name: _____</p> <p>Date: _____</p> <p>Receipt No: _____</p> <p>Fee Paid: _____</p> <p>Total Fee: *</p> <p><small>*Total includes SWM Plan Review fee, if applicable</small></p>
Name (please print): <u>Nintendo of</u>	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Contract Purchaser																				
Address: <u>America, Inc.</u>	<input type="checkbox"/> Option Purchaser* <u>4820 150th Ave. NE</u>																				
Phone #: <u>(425) 861-2502</u>	Option Expiration Date: <u>Redmond, WA 98052</u>																				
Assessor Parcel Number: <u>2182500120</u>																					
Signature: <u>[Signature]</u>																					
Name (please print):	<input type="checkbox"/> Owner <input type="checkbox"/> Contract Purchaser																				
Address:	<input type="checkbox"/> Option Purchaser*																				
Phone #: ()	Option Expiration Date: _____																				
Assessor Parcel Number:																					
Signature: _____																					

** Documentation demonstrating authorization to sign development applications on behalf of the Applicant/Developer is required.

Meeting One 10/5/04

PM Conf 11:00

Development Agreement: City of Redmond and Nintendo of America, Inc.
Outline of Key Issues
October 5, 2004

Outline of Key Issues:

- 1) Term of agreement/vesting: 10 years to submit complete application
- 2) SEPA: Confirm that development agreement within scope of Redmond's OV Planned Action Ordinance ("PAO")
 - Confirm that proposed development is within size/scope of PAO; how to memorialize this within development agreement
 - What SEPA review required if permit applications not submitted until after July 1, 2012
 - Plan to extend timeframe of PAO; confirm that if the term of the PAO is extended, Nintendo/development agreement will get benefit of the extension
- 3) Size/Scope of Development:
 - Nintendo would like to memorialize option to build up to 550,840 sq/ft (based on 0.47 FAR)
 - Applicable height limit: Nintendo would like option of up to five story buildings
- 4) Transportation
 - Access: Confirm installation of new traffic signal at 51st and 150th, plus right-in/right-out off of 148th; discuss option of Nintendo installing traffic signal now/soon as pre-development mitigation
 - Discuss other transportation mitigation options; possibility of payment now in lieu of constructing mitigation improvements at time of development (greater flexibility for City).
 - Impact fees: Discuss which jurisdictions and estimates regarding total amounts
 - Discuss timing of development visa-via transportation improvements: how much square footage can Nintendo build in each year (e.g., 2007, 2008, 2009, etc.)?
- 5) Site Planning:
 - Further discuss setbacks, particularly flexibility regarding the 200ft buffer along 148th. Nintendo may desire to fill the low grade wetland along the frontage and replace it in another part of the site to provide more flexibility, (e.g., design a more aesthetic entry or even potentially place development improvements in the frontage area). Otherwise, options for new site entry may be severely constrained.
 - Further discuss flexibility with tree preservation. Consider the concept of tree banking (planting trees now in desired locations to mitigate for future removal of trees in other portions of the site).
 - Further discuss relief from the Comp Plan Green Street requirement to build structure frontages directly adjacent to streets.
 - Further discuss landscaping options

Dec 2008

- 6) Utilities
 - Confirm water/sewer availability/capacity
 - Discuss applicable stormwater standards; options for meeting stormwater requirements
 - Discuss provisions regarding other utilities
- 7) Timing/Phasing
 - Discuss options for phasing development over multi-year time frame; transportation improvements concurrent with development
- 8) Review procedures
 - Discuss possible measures to expedite permit review once submit application
 - Discuss what issues can be resolved now/as part of development agreement thereby reducing the issues that will need to be addressed as part of permit processing.

Other Issues:

- 1) Annexation Agreement: Affect on development agreement?
- 2) Interaction with the City of Bellevue: How, what, when, what result?
- 3) BROTS/OV Neighborhood Plan:
 - Further discuss how to (equitably) allocate (between Nintendo and MS) remaining square footage under 15.4M cap.
 - Consider ways to draft agreement to recognize cap now, but take advantage of increases in cap over life of development agreement.
- 4) Schedule to meet with Mayor Ives to brief her re development agreement proposal.
- 5) Next meeting: Week of October 11th